



Attorney Docket: 1836/50825

DAE#
RECEIVED
PATENT #9

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE MAY 07 2003

TECH CENTER 1600/2900

Applicant: MASAHIRO IMOTO ET AL.
Serial No.: 09/933,717 Group Art Unit: 1624
Filed: AUGUST 22, 2001 Examiner: LIU, HONG
Title: HETEROCYCLIC COMPOUNDS HAVING EFFECT OF
ACTIVATING NICOTINIC ACETYLCHOLINE ALFA4 BETA2
RECEPTOR

PETITION UNDER 37 C.F.R. § 1.182

Commissioner for Patents
Washington, D.C. 20231

Sir:

Pursuant to the provisions of 37 C.F.R. § 1.182, applicants hereby petition the Commissioner to convert this application from a regular U.S. Application under 35 U.S.C. § 111, to a PCT National Phase application under 35 U.S.C. § 371.

This application was inadvertently filed with the wrong transmittal letter and was, therefore, accepted by the PTO as a regular national filing under 35 U.S.C. § 111. It should have been filed with a PCT transmittal letter indicating that it is a National Phase filing under 35 U.S.C. § 371.

The application was filed on August 22, 2001 and was complete with a declaration and power of attorney as well as a filing fee. The original declaration indicated that the application was a PCT International Application filed March

04/28/2003 RHARIS1 00000029 09933717
~~01 FC:1460~~ 130.00 OP

Adjustment date: 08/22/2003 GFREY1
04/28/2003 RHARIS1 00000029 09933717
01 FC:1460 -130.00 OP

Repln. Ref: 08/22/2003 GFREY1 0014354200
DR# 034323 Name/Number: 09933717
\$130.00 CR

RECEIVED
APR 30 2003
OFFICE OF PETITIONS

1, 2000 (number PCT/JPOO/01190) and relied on a Japanese priority of March 5, 1999. A check for a filing fee as a regular U.S. National Application was included, but there was also included an authorization to charge our deposit account for any additional fees. Thus, in fact, all the requirements of 35 U.S.C. § 371 were met on that date. The error was made by inadvertence and without deceptive intent.

The error was only just discovered when a first action on the merits was received and the file was reviewed.

Under the circumstances, it is respectfully requested that the application be treated as a PCT National Phase application under 35 U.S.C. § 371 and the respective files be combined. A check for a petition fee of \$130 is enclosed. Any additional petition fees or filing fees may be charged to Deposit Account No. 05-1323 (Docket No. 1830/50325).

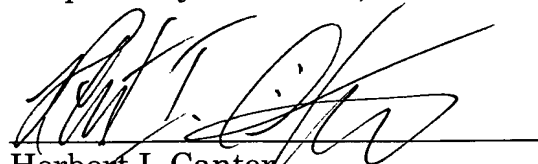
If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and

please charge any deficiency in fees or credit any overpayments to Deposit
Account No. 05-1323 (Docket #1830/50325).

4/25/03

Respectfully submitted,



Herbert I. Cantor
Registration No. 24,392

CROWELL & MORING, LLP
P.O. Box 14300
Washington, DC 20044-4300
Telephone No.: (202) 624-2500
Facsimile No.: (202) 628-8844

RECEIVED
APR 30 2003
OFFICE OF PETITIONS